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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**February 28, 2006**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "Dan English".

Dan English, Chief Administrative Officer

A handwritten signature in black ink, appearing to read "Wayne Anstey".

Wayne Anstey, Acting Deputy Chief Administrative Officer

**DATE:** February 24, 2006

**SUBJECT:** Case 00709: Development Agreement - Former Texpark Site, Halifax

### SUPPLEMENTARY REPORT

#### ORIGIN

- Application by United Gulf for a development agreement to construct a mixed use development.
- Staff report dated December 16, 2005 to the Heritage Advisory Committee and the District 12 Planning Advisory Committee.
- Heritage Advisory Committee report to Regional Council dated January 25, 2006.
- District 12 Planning Advisory Committee report to Regional Council dated January 30, 2006.
- On February 7, 2006 Regional Council set February 28, 2006 as the public hearing date.

#### RECOMMENDATION

It is recommended that Regional Council:

1. Approve the development agreement, included as Attachment A of the staff report dated December 16, 2005;
  2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end;
- Discharge that portion of the existing Development Resolution for the MetroPark facility as it applies to the northwest portion of Lot 1A (PID# 41036088) which forms part of the proposal, to take effect upon the registration of the subject development agreement;
  - Subject to signing of the development agreement, approve the encroachments as shown on the Schedules of Attachment A (Staff will bring this item back to Council at the appropriate time).

## **BACKGROUND**

This application has been reviewed by staff, the Heritage Advisory Committee, and the District 12 Planning Advisory Committee. This has resulted in three recommendations being submitted to Regional Council for consideration.

- Staff has recommended that the development agreement be approved.
- The Heritage Advisory Committee (HAC) has recommended that the development agreement be refused. The HAC has also recommended that the Halifax Municipal Planning Strategy and the draft Regional Plan be reviewed “to provide for concrete definitions to the words “adjacent,” “vicinity” and “significant” as it applies to Heritage Properties and Heritage Policies within the Municipal Planning Strategy and Regional Plan.”
- The District 12 Planning Advisory Committee (PAC) has recommended that the development agreement to allow the construction of the proposed building be approved. Prior to construction, the developer would like to use the site as an interim parking lot. The PAC has recommended that the interim parking lot not be approved. The clause in the development agreement relating to the interim parking lot is clause 2.11.

## **DISCUSSION**

An Executive Summary of the project and staff’s analysis/recommendation is contained in the staff report dated December 16, 2005 to the HAC and PAC.

With respect to the second part of the HAC recommendation, staff agrees that a review of the Halifax Municipal Planning Strategy policies with respect to the words “adjacent,” “vicinity” and “significant” is appropriate. Urban design issues related to heritage, along with other significant urban design issues will be considered in the proposed Urban Design Study. Staff will make a recommendation to Council with respect to the awarding of a contract for this work in the near future. The draft Regional Plan contains additional heritage policies.

With respect to the second part of the PAC recommendation, staff does not view the interim parking lot as a critical component of the proposed development and has no concerns or comments as to whether this use is allowed or not.

## **BUDGET IMPLICATIONS**

The applicant has agreed to assume the costs of the civil work associated with the undergrounding of the electrical and telecommunication utilities adjacent to the development, the costs of reconstructing the sidewalk in accordance with the Capital District standards for Barrington Street developed through its Urban Design Project and also provide street level amenities such as trees, benches, bicycle racks and garbage receptacles.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

## **ALTERNATIVES**

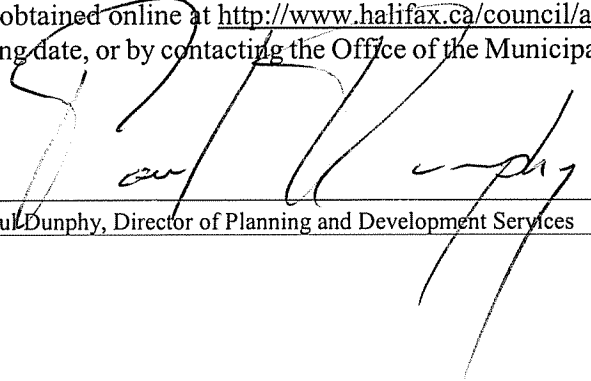
1. Council may approve the development agreement. If this course of action is taken, Council should also discharge the existing development resolution for Lot1A as it pertains to this proposal (northwest portion of Lot1A only). This is the recommended course of action.
2. Council may refuse to enter into the development agreement and, in doing so, must provide reasons based on conflict with existing MPS policy. Although this is not the alternative recommended by staff, Council has the discretion to choose this option for the reasons described above. This is the recommended course of action by the Heritage Advisory Committee.
3. Council may choose to approve the development agreement with modifications which are acceptable to the applicant. Such modifications may require further negotiations with the applicant and/or revisions to the schedules attached to the agreement. This is the recommended course of action by the District 12 Planning Advisory with respect to the interim parking lot which is specifically referenced in clause 2.11 of the draft development agreement.

## **ATTACHMENTS**

1. Staff report dated December 16, 2005 to the District 12 Planning Advisory Committee and Heritage Advisory Committee
2. Heritage Advisory Committee report to Regional Council dated January 25, 2006.
3. District 12 Planning Advisory Committee report to Regional Council dated January 30, 2006.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Approved by:

  
Paul Dunphy, Director of Planning and Development Services